

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

BRIANA WATERS,

## Defendant.

Case No. CR05-5828FDB

**ORDER DENYING DEFENDANT'S  
MOTION RE PLACEMENT  
PENDING APPEAL**

Defendant-Appellant Briana Waters requests that this Court recommend that she be confined in a place near the place of appeal in order to assist her counsel in San Francisco with the appeal. This Court has already made a recommendation – as requested by Plaintiff at sentencing – that Waters be placed at FCI-Dublin, California or close to her home in California, if possible. There is nothing further for this Court to do. This Court is now divested of jurisdiction over this case by the appeal to the Ninth Circuit, which Court now has jurisdiction over this matter.

ACCORDINGLY, IT IS ORDERED: Defendant-Appellant Waters' Request for Recommendation to The Attorney General on Placement Pending Appeal [Dkt # 464] is DENIED.

DATED this 6<sup>th</sup> day of October 2008.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

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